IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 170 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE A.L.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

---

SHAMJIBHAI MAVABHAI GODHANI

Versus

HEIR OF DECD.MATHURBHAI MAVABHAI GODHANI

---

Appearance:

1. First Appeal No. 170 of 2004

MR DC SEJPAL for Appellant No.

..... for Respondent No. 1

MR PJ KANABAR for Respondent No. 1/1

---

CORAM : HON'BLE MR.JUSTICE A.L.DAVE

Date of decision: 14/09/2004

ORAL JUDGEMENT

1. Heard learned Advocate, Mr. Sejpal, for the

appellant and learned Advocate, Mr. Kanabar, for the respondent.

2. There is a joint request by the learned advocates for parties to the effect that the dispute between the parties has been resolved and they have arrived at a settlement. They place on record the original terms of settlement duly signed by the parties on 31st July, 2004 and countersigned by the learned advocates. Learned advocates state that the parties have settled their dispute in terms of the settlement and identical terms of settlement were produced by the parties in Regular Civil Appeal No.2 of 2004 before District Court, Amreli, where, in presence of parties, the learned Judge has accepted the terms of consdent and ordered to draw decree in terms of the settlement. Learned advocates, therefore, making a similar request for disposing of this appeal in terms of the settlement.

3. The parties are not present before this Court. However, the terms of settlement are signed by parties and countersigned by learned advocates. Learned Advocate, Mr. Kanabar, for the respondent has placed on record a certified copy of the judgment in Regular Civil Appeal No.2 of 2004 in the District Court, at Amreli, and the order therein indicates that the compromise was read over to the parties and they have agreed with the contents thereof and have admitted the signatures thereon. In this view of the matter, this Court, without insisting for presence of parties for verification, is inclined to accept these terms of settlement.

4. The appeal would stand disposed of in terms of the settlment between the parties and the decree impugned herein would stand modified in terms of the settlement. The parties shall implement the terms of settlement in its true sense and spirit, at the earliest, and shall co-operate with each other. The appeal stands disposed of accordingly. No costs. Status quo order stands vacated.

[ A. L. DAVE, J. ]

gt